

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Docket No.: 04CR10217GAO
)	
DARREN WILDER)	
)	

**UNOPPOSED MOTION TO SUBSTITUTE PORTION
OF DEFENDANT'S SURETY BOND**

NOW COMES the Defendant, Darren Wilder, through counsel, and respectfully moves this Honorable Court to substitute \$25,000 of the Defendant's \$50,000 cash surety by increasing the real estate bond by \$25,000. A substitution of the Defendant's surety will allow the Defendant to pay legal fees and expenses for the upcoming trial which is scheduled to commence on March 13, 2006. In support thereof, counsel states the following:

1. As a condition of Mr. Wilder's supervised release, Mr. Wilder was required to post a \$50,000 cash bond plus a \$200,000 bond secured by real estate located at 298 Haverhill Road, Chester, NH.
2. The Defendant has been unemployed during the pendency of his Supervised Release and has incurred substantial costs for Court Ordered treatment and legal expenses.
3. The trial of the instant case is scheduled to commence on March 13, 2006, and is expected to cost the defendant an additional sum of \$15,000 to \$25,000 depending on the length of the trial and number of expert witnesses required to testify.
4. The \$50,000 cash bond posted as surety by the Defendant's father actually belongs to the Defendant and was withdrawn from the Defendant's bank account.
5. The Defendant has insufficient resources to satisfy the expected legal costs for the trial without the substitution of the surety bond.
6. The Defendant agrees with the substitution of the surety bond and will execute all documents necessary to perfect same.
7. Gary and Pam Wilder, the owners of the real estate subject to the \$200,000 real

estate bond agree to an increase in the real estate bond to \$225,000 to accommodate this request and to execute all documents necessary to perfect same.

8. The Government through it's representative Assistant United States Attorney Dana Gershengorn does not oppose this request so long as the Defendant's overall surety bond of \$250,000 is not decreased.

WHEREFORE, based on the foregoing arguments the authorities of this Honorable Court is respectfully urged to substitute \$25,000 cash bond for a equal real estate bond increase of \$25,000 and to Order the Clerk of this Court to issue a refund of \$25,000 to the undersigned counsel upon production of a duly executed Assignment of Bond.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Peter Charles Horstmann, Esquire, hereby certify that on this 7th day of February, 2006, a copy of the foregoing UNOPPOSED MOTION TO SUBSTITUTE PORTION OF DEFENDANT'S SURETY BOND was served electronically upon Dana Gershengorn, Assistant United States Attorney, United States Attorneys Office, One Courthouse Way, Boston, MA 02210 and Sheri A. Stephan, Trial Attorney, United States Courthouse, Suite 9200, 1 Courthouse Way, Boston, Massachusetts 02210.



Peter Charles Horstmann, Esquire